

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIE CLAY,

Plaintiff,

-vs-

THOMAS DART, Sheriff of Cook County,
and COOK COUNTY, ILLINOIS,

Defendants.

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Case No. 19-cv-2412

Judge Andrea Wood

Magistrate Judge Sheila Finnegan

**DEFENDANT COOK COUNTY'S RESPONSE TO PLAINTIFF'S
FIRST REQUEST TO PRODUCE**

Defendant, COOK COUNTY, ILLINOIS, by its attorney KIMBERLY M. FOXX, State's Attorney of Cook County, through her Special Assistant State's Attorneys, JOHNSON & BELL, LTD., responds to Plaintiff's First Request to Produce as follows:

1. All medical records in possession of the defendants relating to plaintiff. This request includes all Dentrix records and the complete Cerner file for plaintiff, including any information in the "communications" tab of plaintiff's medical records, "sticky notes," x-rays, and scheduling information at any clinic. Plaintiff requests defendants to produce this material electronically.

RESPONSE: Defendant objects to this request as overbroad, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Notwithstanding and without waiving said objections, see Clay-County 000001-002294 for information responsive to this request.

2. All electronic records related to scheduling plaintiff for dental appointments including but not limited to the e-mail and HSRFs sent to DentalReferral@cookcountyhhs.org and all Cerner and Dentrix data relating to the treatment of plaintiff at a dentist at the Cook County Jail.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Notwithstanding and without waiving said objections, see Clay-County 002236-002296 for information responsive to this request.

3. From September 1, 2018 to the present, a copy of the scheduling records for the Division 6 dental clinic. This request includes a copy of the Dentrux and Cerner records showing the schedule of patients on each treatment day.

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, and seeks information that is not relevant. Defendant further objects to the extent this request seeks the disclosure of protected patient health information in violation of HIPAA. Notwithstanding and without waiving said objections, see Clay-County 002236-002294 for information responsive to this request.

4. From September 1, 2018 to the present, a copy of all records showing days when the Division 6 dental clinic was closed.

RESPONSE: Defendant objects to this request as it seeks information that is not relevant. Notwithstanding and without waiving said objections, there are no records responsive to this request.

5. All inmate grievances from September 1, 2018 to the present relating to toothaches and/or dental pain from inmates assigned to be treated in the Division 6 dental clinic. Plaintiff requests all information relating to these grievances including any electronic tracking information and documentation they were received and investigated by Cook County.

RESPONSE: Defendant objects to this request as overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Furthermore, this request seeks information not in this Defendant's possession, custody, or control.

6. From September 1, 2018 to the present, all logs maintained by correctional officer(s) assigned to the Division 6 dental clinic including but not limited to the daily logs reflecting when inmates were moved to and from the Division 6 dental clinic for appointments.

RESPONSE: Defendant objects to this request as overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant.

Furthermore, this request seeks information not in this Defendant's possession, custody, or control.

7. From January 1, 2018 to the present, emails (including attachments) to and from Dr. Jorelle Alexander and Dr. Mennella with the following search terms:

- a. "Division 6" and "productivity"
- b. "div 6" and "productivity"
- c. "Division 6" and "dental assistant"
- d. "Div 6" and "dental assistant"
- e. "Division 6" and "grievance"
- f. "Div 6" and "grievance"
- g. "Division 6" and "urgent"
- h. "Div 6" and "urgent"
- i. "union" and "grievance"
- j. "Willie" and "Clay"
- k. "2016-0121115"
- l. "20160121115"

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Defendant further objects to the extent this request seeks the disclosure of protected patient health information in violation of HIPAA. Notwithstanding and without waiving said objections, see Clay-County 002297-002328 for information responsive to this request.

8. From January 1, 2018 to the present, emails (including attachments) to and from Dr. Jorelle Alexander and Linda Follenweider with the following search terms:

- a. "Division 6" and "productivity"
- b. "div 6" and "productivity"

- c. "Division 6" and "dental assistant"
- d. "Div 6" and "dental assistant"
- e. "Division 6" and "grievance"
- f. "Div 6" and "grievance"
- g. "Division 6" and "urgent"
- h. "Div 6" and "urgent"
- i. "union" and "grievance"
- j. "Willie" and "Clay"
- k. "2016-0121115"
- l. "20160121115"

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Defendant further objects to the extent this request seeks the disclosure of protected patient health information in violation of HIPAA. Notwithstanding and without waiving said objections, see Clay-County 002297-002328 for information responsive to this request.

9. From January 1, 2018 to the present, emails (including attachments) to and from Dr. Jorelle Alexander and Dr. Thomas Prozorovsky with the following search terms:

- a. "Division 6" and "productivity"
- b. "div 6" and "productivity"
- c. "productivity"
- d. "dental assistant" and "schedule"
- e. "Division 6" and "dental assistant"
- f. "Div 6" and "dental assistant"
- g. "Division 6" and "grievance"
- h. "Div 6" and "grievance"

- i. “grievance”
- j. “union” and “grievance”
- k. “Division 6” and “urgent”
- l. “Div 6” and “urgent”
- m. “abscess” and “delay”
- n. “infection” and “delay”
- o. “walk” and “appointment”
- p. “union” and “grievance”
- q. “Willie” and “Clay”
- r. “2016-0121115”
- s. “20160121115”

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Defendant further objects to the extent this request seeks the disclosure of protected patient health information in violation of HIPAA. Notwithstanding and without waiving said objections, see Clay-County 002297-002328 for information responsive to this request.

10. From January 1, 2017 to the present, the performance reviews for Dr. Thomas Prozorovsky.

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant.

11. From January 1, 2017 to the present, the performance reviews for the dental assistant or dental assistants assigned to Division 6. On information and belief one of these individuals is Bessie Roddy.

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant.

12. From January 1, 2018 to the present, emails (including attachments) to and from Dr. Jorelle Alexander Bessie Roddy with the following search terms:

- a. "Division 6" and "productivity"
- b. "div 6" and "productivity"
- c. "productivity"
- d. "dental assistant" and "schedule"
- e. "Division 6" and "dental assistant"
- f. "Div 6" and "dental assistant"
- g. "Division 6" and "grievance"
- h. "Div 6" and "grievance"
- i. "grievance"
- j. "union" and "grievance"
- k. "Division 6" and "urgent"
- l. "Div 6" and "urgent"
- m. "abscess" and "delay"
- n. "infection" and "delay"
- o. "walk" and "appointment"
- p. "union" and "grievance"
- q. "Willie" and "Clay"
- r. "2016-0121115"
- s. "20160121115"

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Defendant further objects to the extent this request seeks the disclosure of protected patient health information in violation of HIPAA.

Notwithstanding and without waiving said objections, see Clay-County 002297-002328 for information responsive to this request.

13. From January 1, 2017 to the present, the performance reviews for Dr. Jorelle Alexander.

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant.

14. From January 1, 2017 to the present, all union grievances filed by dentists, dental assistants, or dental hygienists who work at the Cook County Department of Corrections.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant.

15. From January 1, 2017 to the present, a copy of union contracts covering dental assistants and dentists who work at the Cook County Department of Corrections.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant. Notwithstanding and without waiving said objections, see Clay-County 002329-002431 for information responsive to this request.

16. From January 1, 2017 to the present, all agendas prepared by Dr. Alexander relating to meetings with the dental staff.

RESPONSE: Defendant objects to this request as vague, grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Notwithstanding and without waiving said objection, there are no agendas responsive for the time period that is relevant to Plaintiff's claims.

17. The "training module" prepared by Dr. Alexander for medical staff at the Cook County Jail.

RESPONSE: Defendant objects to this request as vague, grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant. Notwithstanding and without waiving said objections, see Clay-County 002432-002451 for information responsive to this request.

18. The nursing protocol book used at the Cook County Jail from January 1, 2017 to the present.

RESPONSE: Defendant objects to this request as vague, grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant. Notwithstanding and without waiving said objections, see Clay-County 002452-002454 for information responsive to this request.

19. All C-COMS information relating to plaintiff.

RESPONSE: Defendant objects to this request as vague, grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant. Furthermore, this request seeks information not in this Defendant's possession, custody, or control.

20. All grievances and internal tracking documents relating grievances filed by plaintiff.

RESPONSE: Defendant objects to this request as vague, grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Furthermore, this request seeks information not in this Defendant's possession, custody, or control.

21. The policy and/or procedure in force from July 1, 2018 to the present regarding the scheduling and movement of inmates at the Cook County Department of Correction to a dental clinic at the Cook County Jail.

RESPONSE: Defendant objects to this request as grossly overbroad, unduly burdensome, not sufficiently limited in time and/or scope, and seeks information that is not relevant. Furthermore, this request seeks information not in this Defendant's possession, custody, or control.

22. From January 1, 2016 to the present, all information regarding "basic standards regarding staffing ratios" for the Cook County Department of Oral Health. This information is referenced on page 3 of 5 of Dr. Jorelle Alexander's FY2016-17 Performance Review.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Notwithstanding and without waiving said

objections, see <https://www.dentalclinicmanual.com/2-facilities/sec3-01.php> for information responsive to this request.

23. From January 1, 2016 to the present, all material provided by Dr. Jorelle Alexander (or her designee) to administration regarding “future staffing needs and plans.” This information is referenced on page 3 of 5 of Dr. Jorelle Alexander’s FY 2016-17 Performance Review.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant.

24. From January 1, 2016 to the present, all information regarding inappropriate and disruptive behavior from employees assigned to the Cook County Department of Oral Health. Dr. Jorelle Alexander references this matter on page 4 of 5 of her FY 2016-17 Performance Review by stating “Compliance as it relates to inappropriate and disruptive behavior has been challenging without the support from Human Resources and/or Labor.”

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant.

25. The Department Chair Performance Review FY 2018 reflects “Proactive plans for futures STAFFING needs despite significant delay in hiring process.” From January 1, 2016 to the present, produce all documents explaining the significant delay in hiring staff to work in the Oral Health Department.

RESPONSE: Defendant objects to this request as vague, overbroad, unduly burdensome, not sufficiently limited in time and/or scope, not proportional to the needs of the case, and seeks information that is not relevant. Notwithstanding and without waiving said objections, no such documents exist.

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

Dated: March 9, 2020

/s/ Samuel D. Branum
Special Assistant State's Attorney

Brian P. Gainer (gainerb@jbltd.com)
Monica Burkoth (burkothm@jbltd.com)
Lisa M. McElroy (mcelroyl@jbltd.com)
Jack E. Bentley (bentleyj@jbltd.com)
Zachary A. Pestine (pestinez@jbltd.com)
Samuel D. Branum (branums@jbltd.com)
Johnson & Bell, Ltd.
33 W. Monroe, Ste. 2700
Chicago, Illinois 60603
(312) 372-0770

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on **March 9, 2020**, the foregoing document was served upon Plaintiff via electronic mail to the below named individuals:

Patrick William Morrissey
Thomas Gerald Morrissey
Thomas G. Morrissey, Ltd.
10150 South Western Ave.
Suite Rear
Chicago, IL 60643
(773) 233-7900
Email: patrickmorrissey1920@gmail.com
Email: tgmorrisseylaw@gmail.com

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

/s/ Samuel D. Branum
Special Assistant State's Attorney